

LAKE COUNTY PLANNING BOARD
August 15, 2012
Lake County Courthouse, Large Conference Room (Rm 317)
Meeting Minutes

MEMBERS PRESENT: Bob Kormann, Lisa Dumontier, Sigurd Jensen, Janet Camel, Jerry d'Aquin, Rick Cothorn

STAFF PRESENT: Joel Nelson, LaDana Hintz, Robert Costa, Karl Smithback, Lita Fonda

OTHERS: Jeff Walla (Stelling Engineers), Bruce Agrella, Roland Godan, Mauri Morin

Bob Kormann called the meeting to order at 7:00pm.

July minutes will be reviewed at the next meeting.

Bob explained that the meeting would be conducted in such a way that if the public wanted to chime in, to please state their name. There was no vote on tonight's item. Joel described the notice given for tonight's item.

RONAN AIRPORT AFFECTED AREA REGULATIONS (RAAAR)

Joel Nelson presented the proposed Ronan Airport Affected Area (RAAA), with reference to the staff memo and other materials in the board packet. (See attachments to minutes in the August 2012 meeting file for staff report.) He projected selections of the material. Jeff Walla from Stelling Engineers spoke, and gave further explanation and clarification for some materials, including RAAA sheet 8 (8 ½ x 11 color map) and Airport Airspace drawing sheet 4, and regarding the FAA, who needed to protect their investment in public airports. He talked about the different zones. The zones of protected airspace around the airport were probably the most important thing they were trying to protect with these regulations, to prevent cell towers, for instance, from coming up at the end of a runway approach that might fall under the jurisdiction of the airport board. He described zones on the map. On the side of one of the drawings, heights of objects were referenced for protecting the airspace around the airport. The right side had to do with watching out for incompatible uses that could come in around the airport, such as a landfill or sewage lagoon or other attractants for waterfowl, which could present bird strikes. High-density development in close proximity would also be a potential hazard for people on the ground, and so forth. He talked about 4 areas defined around the airport, and discussed other elements shown on the map. The purpose was to put a protective plan in place for the airport, so they would do compatible development.

Janet asked about the runway numbers, which were different on sheet #8 map. Runway 16/34 had been mentioned. The map in the Board packet (sheet #8) showed runway #17/35. Jeff said it was 16/34. Lisa clarified that 16/34 was the number given in the red portions of the map. Jeff thought that was a typo on the drawing.

Janet checked that the airspace outside the transitional zone was 150 feet. Jeff asked if she meant the orange horizontal zone, and she affirmed. Jeff described drawing a 10,000-foot arc

from the runway ends of active and planned runways, and then connecting those lines on tangents. That was how that was defined. He clarified that it was 10,000 feet for the main runway 16/34, and it was 5,000 feet for the undeveloped runway 32/1. Janet checked that the arc was zero at the surface and then went up 5,000 or 10,000 feet. Jeff said it would be a flat plane formed by connecting the arc of 10,000 feet from the end of the runway ends and then the tangents connected between them. Mauri Morin interpreted that Janet was talking about the elevation in the horizontal area of 150 feet. Jeff said the horizontal area was 150 feet above the airport elevation. Janet asked if a pivot on an irrigated parcel would be a restricted use. Jeff said they weren't that tall. Anything less than 150 feet tall would be fine in that area, from a height standpoint.

Joel described that if you were in the area, the regulations would require a permit for structures greater than 50 feet or trees expected to grow taller than 150 feet. Jeff explained that the FAA did the hazard evaluation. If there were no hazards, then a structure was fine. The FAA determined if lighting or marking was needed for a structure.

Bob said the area was currently in agricultural production. Jeff pointed out the existing development in the RAAA. Bob commented that the area had a lot of geese. How would that work? Jeff replied that agriculture was the preferred use. If there were bird strikes, the FAA might evaluate to find out what attracted the birds in order to reduce the numbers. Bob inquired if it had been a problem yet. Mauri replied that it had not. There were seagulls, but they left with the noise.

Bob asked if the right to farm superceded the airport use. Joel responded that it was grandfathered nonconforming. Jeff said farming was a permitted use as shown in 3.a.iii at the top of pg. 24. Joel noted this did disallow those farming uses that would attract wildlife. Bob mentioned the geese that congregated in the fall. Mauri said that most of the geese activity was west of Hwy 93.

Joel pointed out that areas with horizontal zones didn't have those restrictions.

Jerry pointed out that the map in the Board packet was different than the projected map. Why was there another discrepancy? Jeff said that was an old map. Joel concluded that old pdf's were sent, from 2008. Jeff said the correct map dated 2010 was in the packet. Jerry checked that the packet map was the one with the incorrect runway numbers and Jeff confirmed.

Jerry mentioned that shooting ranges were listed as an approved [conditional] use. Given the modern climate, he didn't think the FAA would be interested in seeing that. Jeff responded that the FAA wasn't Homeland Security, and had different concerns. This was a general aviation airport and was not subject to the same requirements as a Part 139 airport. Jerry asked about this from a County perspective. What happened if a shooting range was permitted and then the rules changed? Mauri said there wasn't a neighboring shooting range. Jerry replied that it was a permitted use. Jeff explained that they could change the boilerplate of the model regulations.

Rick asked if there was hunting around the airport. Mauri knew of no hunting that took place. It was south or west of Ronan. Karl agreed.

Roland asked if a permitted use was subject to approval by the Board or was it granted [inaudible]. Joel said that would be an administrative review, but a County or City planner could take it to the Airport Board if there was a concern.

Janet brought up the jurisdiction. You couldn't assert on Tribal lands and would need to talk to the Tribal Council about how they would like to comply or not comply with the regulations, and if they would want easements purchased. She understood the Tribal parcel had a purchased easement on it for the restricted development area of runway 35. They would need to explore this. Joel asked her if the language on pg. 2 was on the right track. Janet thought it was pretty good. She would have Legal double check it. Another issue to look at was the ownership of airspace. The Tribe had never relinquished ownership. It was an issue to look at. She said the Tribes wanted to cooperate on a lot of different areas. She couldn't speak for the Tribal Council. She could just bring up issues that came to mind as a planner.

Bob remarked that cell towers were restricted from coming in through the nonconforming height.

Joel asked if the Board wanted to go broadly through the draft regulations. Bob said whatever satisfied the Commissioners.

Joel highlighted sections of the RAAAR. In the General Provisions section, the year would be changed to 2012 or whatever the effective year of the regulations. For the review fees, there were no specific numbers in the regulations. The County Planning fee schedule would be amended for administration of the regulations.

Bob checked that you could build up to 49 feet in height and not need a permit in the RAAA. Joel said yes, if it didn't project up into the airspace. If it was on the ground with airspace 20 feet from the surface, it couldn't build up into that horizontal cone surface. Bob referred to C.1.b at the top of pg. 8. Was this understood clearly, with the horizontal zone? Was the definition clear? Joel said it didn't talk about the zone there. It said you didn't need to get a permit if it didn't exceed 50 feet in that area. The bad circumstance would be someone who didn't need to get a permit, but who didn't comply. Bob asked for further clarification pertaining to the map. Joel and Jeff complied. Jeff explained that the Airport Affected Area (AAA) was the outer ring of the whole thing. It encompassed different sloped, flat and transitional surfaces. They talked further, using the map and examples. Jeff said areas where the airspace was lower than 150 feet were areas over which the airport already had control. Unless the terrain increased quite a bit in height, a 50-foot structure would be safe in most places inside the AAA, which fell outside that transitional zone. He mentioned there was a great model of this; unfortunately he didn't have one.

Janet could see Bob's point. For instance, on the very east edge of the AAA boundary, by the north side of the North Fork of North Crow Creek, some pretty steep terrain existed. The runways weren't going those directions, however. Bob checked again that you could put up a 49-foot structure there. Janet said you might, but if you wanted the fire department to be able to fight a fire there, you probably wouldn't want to. Joel said he'd seen a map that showed where

the terrain penetrated the zones. Jeff pointed out some green shading on one of the projected maps, which showed this.

Bob asked how the fuel at the airport was protected from spills or the possibility of fire. How would this be handled? Mauri said the tanks were underground and were protected in all the different directions. The only thing above the ground was the gas pump. It had an automatic shutoff and also a manual shutoff if it got out of control. They monitored that on a regular basis. For wheat fields, they were well east and well north and across Hwy 93. They weren't close to the airport. Most of that was in potatoes now. Sigurd asked if they rotated the potatoes. Mauri said it changed from year to year.

Rick asked if they were aware of significant plans for development or changes near the airport. Mauri wasn't aware of plans. Part of the land was Tribal and the other part belonged to the Lakes. Janet thought most of the development on the Tribal piece to the north within the transitional zone had been completed. She mentioned greenhouses. Mauri mentioned the golf course. To answer Bob's earlier question, a few years' back, they had a problem with a cell tower that wanted to go in right off the end of the runway. They contacted the FAA, who contacted the consultant for the cell tower, and the cell company moved it to the east about a quarter of a mile. There was a maximum height before it had to be lit.

Joel touched on the supplement in the Board packet.

Janet asked if the category of the runway changed in the future, would people be notified. She gave an example where the dimensions of the categories would change, such as the approach zone. Joel said yes, they would have to amend the regulations.

Joel pointed out the preliminary fee schedule to see if there was input. They would have to amend the Planning Dept fee schedule to cover the costs of administering the regulations. He ran through some of the costs and reasoning. They didn't have an idea on how much time each permit would take. Hopefully a structure or use permit wouldn't take too much time. For some, the applicant would have to do the legal notice instead of it being part of the costs for Planning. He noted at the bottom it mentioned that the Airport Board might assess additional fees outside of the Planning Dept fees, in the event of the need for extensive review by the Airport Board's contract engineer. They didn't anticipate that this would happen very often.

Robert asked how much would be charged for a noncompliant tree. Joel replied that would be an obstruction variance at \$250.

Bob asked if there was 24-hour access to the airport for vehicles. Mauri confirmed. Bob checked there would be no restrictions for fire fighting. Mauri gave examples of firefighting and life flight.

Joel asked again for input on the fee schedule. Jerry asked how it compared to other fee schedules. Joel said he was unable to locate a fee schedule on the Internet for similar regulations. Jerry asked if the airport landing fee was paid by the landing or if the aircraft owner paid by the use. Mauri replied that general aviation didn't pay a landing fee. They made their

money off of fuel sales and hangar rentals. They did charge a cycle fee when they were fighting fires.

Janet asked if there had been objections over the last 6 years in Mineral County regarding the regulations. Jeff said no. They had adopted the regulations pretty quickly and easily. The only one he'd heard about with issues was Three Forks. Joel asked if the controversy was before or after implementation. Jeff said it was during the process that these RAAA regulations were currently going through. In the Three Forks case, he thought it boiled down to most people feeling that the airport was unnecessary, due to the location of Gallatin Field 15 or 20 miles down the road.

Janet asked if the FAA would have a problem with the Tribal jurisdiction language. Jeff answered that the FAA was fully aware of the Tribal land situation. There was nothing they could do, and they would roll with it. It still boiled down to that if something were to be erected or built on Tribal land that caused a hazard to air navigation, the FAA would probably stop supporting the airport. Just because they couldn't control having the means to put restrictions on, didn't mean that they would allow an unsafe airport to continue. Janet said that as a planner, she couldn't see that the Tribes would want to obstruct things within these zones, but she couldn't speak for them and had to be open to all scenarios. When they planned a project, they looked at the surrounding uses and tried to be compatible. Mauri added that right now, the Tribe was 100% behind the airport because they made a lot of money with the fire fighting. Janet noted that the Tribe didn't make money from fire fighting. They weren't funded as highly as they used to be. They wanted to fight fires and help people. Mauri said they were very enthusiastic. Janet said the crew was really good. From what she saw, people wanted to work together.

Bob said the runways on the drawing should be corrected. Jeff thought there would be some pdf's for the website.

Janet asked about the largest plane that could fly into the Ronan Airport. Mauri thought the largest airplane that had been there that he was aware of was the Gulf Stream 4. They could handle the Gulf Stream 5 as well. Jeff contributed it was up to the pilot's discretion as to whether the airport was sufficient for an aircraft.

OTHER BUSINESS (8:02)

A subdivision looked likely for next month's agenda.

Motion made by Sigurd Jensen, and seconded by Lisa Dumontier, to adjourn. Motion carried, all in favor. Meeting adjourned at 8:03 pm.